PATENT

Atty Docket No.: 200208134-1
App. Ser. No.: 10/632,412

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1, 3, 5-12, 14-18 and 20 are pending of which claims 1, 12, and 16 are independent.

Claims 1, 3, 5-12, 14-18 and 20 have been amended. Support for the amendments may be found in the original filed specification on page 2, lines 19-28, page 9, lines 2-16 and page 17, lines 15-20. Claim 4 has been canceled herein without prejudice or disclaimer to the subject matter contained therein.

Claims 3-11, 14-15, 17-18, and 20 were objected to for minor informalities.

Claims 12, and 14-18, 20 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

Claims 1, 3-9, 11-12, and 14-15 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Nakajima (6,442,699) ("Nakajima").

Claim 10 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima.

Claims 16-18 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima in view of Oehler et al (2004/0003303) ("Oehler").

These rejections are respectfully traversed for the reasons stated below.

Claim Objections

Claims 3-11, 14-15, 17-18, and 20 were objected to for minor informalities. These claims have been amended in accordance with the suggestions made in the Office Action.

PATENT

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Claim Rejection Under 35 U.S.C. §112

Claims 12, and 14-18, 20 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

The Office Action states that it is unclear if the repetition of the phrase "a plurality of power states" in independent claims 12 and 16 is intended to imply a relationship. The repetition of the phrase a plurality of power states is not intended to imply a relationship between the two phrases. The phrase is used first with respect to the processor and again with respect to the at least one hardware resource. Thus, the processor may have a set of different power states and the at least one hardware resource may have a set of different power states. The processor and hardware resource may have the same power states or different power states. For example, the processor may have a high power state while the at least one hardware resource may have a low power state.

Therefore, claims 12 and 16 are not indefinite and withdrawal of this rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 3-9, 11-12, and 14-15 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Nakajima. This rejection is respectfully traversed because Nakajima fails to teach all the features of independent claims 1 and 12, and the claims that depend therefrom.

Nakajima fails to teach the following features of independent claims 1 and 12:

> "an application profiles database which stores an application profile for each of the plurality of software applications running on the hardware platform, wherein each application profile describes a first relationship between a processor utilization and a processor clock frequency for the software application and a second relationship between an application data rate and a processor speed for the software application" and
>
> "determine a power management adjustment using the received real time input and the first and second relationships stored in the application profile of the at least one of the plurality of software applications."

In fact, Nakajima is silent with respect to an application profiles database and applications profiles. Nakajima only "detects operation statuses of the application program (abstract)." Nakajima does not detect or store any additional information, such as relationships between processor utilization and processor clock frequency or between an application data rate and processor speed. Moreover, Nakajima does not envision the use of

application profiles, or any additional information, to determine power management adjustments. For instance, the Nakajima does not disclose using the claimed relationships and in particular using the correlation between the speed and efficiency at which a software program will run versus the speed at which the processor is operating to determine whether to switch to a low power mode. These relationships allow the claimed systems to make detailed determinations concerning the amount of power to provide a processor and other hardware components based on the application data rate when the processor is running at a certain speed and processor utilization at a certain speed. The system of Nakajima lacks this capability and only determines when a program starts or stops. Therefore, Nakajima lacks the functionality of the claimed systems and methods and fails to teach the features of independent claims 1 and 12.

In addition, Nakajima fails to teach "a hand-held, battery-operated device," as recited in independent claims 1 and 12. In contrast to the claim language, Nakajima seems to be drawn to larger personal computers.

For at least the foregoing reasons, it is respectfully submitted that Nakajima fails to teach each and every element of independent claims 1 and 12 and therefore cannot anticipate these claims. Accordingly, the Examiner is respectfully requested to withdraw the rejection and allow claims 1 and 12, and the claims that depend therefrom.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim 10 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima.

Claim 10 is patentable over the prior art of record at least by virtue of its dependence on allowable claim 1, as set forth above. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 16-18 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima in view of Oehler.

Claim 16 recites features similar to the features of claims 1 and 12. Therefore, the features of claim 16 are not taught by Nakajima for the reasons set forth above. Oehler fails to cure the deficiencies of Nakajima. Therefore, Nakajima and Oehler, taken alone or in combination, fail to teach or suggest the features of independent claim 16.

PATENT

Atty Docket No.: 200208134-1
App. Ser. No.: 10/632,412

Claims 17-18 and 20 are patentable over the prior art of record at least by virtue of their dependence on allowable claim 16. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

PATENT

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App. Ser. No.: 10/632,412

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 11, 2007 By

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